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Donald Quigley, Esquire  
Attorney for the Debtor

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

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In re: Dennis Whelan	:	Case No. 09-39681 (MBK)
Esther Whelan	:	Chapter 13
	:	Hearing Date: 08/23/11 at 9:00 a.m.
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	:	
Debtors.	:	

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**MOTION TO PERMIT DEBTORS TO SELL A 2011 VOLVO C70 T5,  
PURCHASE A REPLACEMENT VEHICLE AND TURN EXCESS  
PROCEEDS OVER TO THE CHAPT13 TRUSTEE**

TO THE HONORABLE MICHAEL B. KAPLAN, UNITED STATES BANKRUPTCY  
JUDGE:

The Motion of the Debtors, Dennis Whelan & Esther Whelan by and through their attorneys, Quigley & Fayette, LLC, hereby requests an Order from this Honorable Court permitting them to sell the 2011 Volvo C70 T5, purchase a replacement vehicle and turn the excess proceeds over to the Chapter 13 Trustee:

1. Debtors filed this instant Chapter 13 Bankruptcy Petition on November 4, 2009.
2. The plan was confirmed on January 12, 2011.
3. The Debtors recently won a 2011 Volvo C70 T-5. In order to accept the vehicle, the Debtors had to borrow \$11,460.96 from a family member to pay applicable State and Federal Income Taxes. The Debtors wish to sell the vehicle, reimburse the family member for the

money borrowed to pay the applicable Federal and State Income Tax, purchase a less expensive vehicle and turn the remaining proceeds over to the Trustee, which will result in a higher dividend to unsecured creditors.

4. According to the Debtors' research, the 2011 Volvo has a Fair Market Value for Federal and State Income Tax purposes of \$ 40,932.00. The vehicle has approximately 1050 miles. The Debtors' performed a search of a seventy-five-mile radius from Trenton to see if there were any used comparable 2011 Volvo C70 T-5's for sale. The Debtors' advise that they found 6 vehicles. The price they were listed for online ranged from \$ 35,900 to \$37,500 with mileage ranging from 7,000- 16,000 miles.

5. The Debtors' have two offers for the car. The first was from Princeton Volvo (the dealer who donated the car for the raffle) in the amount of \$ 35,000. The second offer is from a dealer in Virginia. The offer from this dealership was \$36,000. The Debtors would like to accept this offer, the Debtors would prefer to sell the vehicle to a dealer so they are not tasked with the hassle of dealing with the general public.

6. The Debtors would like to purchase a late model (2008- 2010 ) Certified Honda Accord, Hyundai Sonata, Kia Optima or their equivalent. The estimate for one of these vehicles, including taxes and fees, would be between \$18,000.00 - \$20,000.00. Assuming this is acceptable, after he reimburses his family member for the taxes and purchases the vehicle, there should be an estimated \$5,000.00 to be contributed to his plan.

7. The Debtors hereby respectfully request that this Honorable Court allow them to sell the vehicle, reimburse their family member for the taxes, purchase a replacement vehicle and turn the remaining proceeds over to the Chapter 13 Standing Trustee.

I certify that the foregoing statements by me are true to the best of my knowledge.

I understand that if any of the foregoing statements made by me are willfully false that I am  
subject to punishment.

Date: 07/27/11

/s/ Donald Quigley  
Donald Quigley, Esquire  
Quigley & Fayette, LLC  
Counsel for Debtor

Date: 07/27/11

/s/ Dennis Whelan  
Dennis Whelan, Debtor

Date: 07/27/11

/s/ Esther Whelan  
Esther Whelan, Debtor